

Message Text

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ACTION IO-10

INFO OCT-01 NEA-10 ISO-00 FEA-01 ACDA-05 CIAE-00 INR-07

L-03 NSAE-00 NSC-05 EB-07 NRC-05 OES-03 AF-06 ARA-06

EA-06 EUR-12 /087 W

----- 064250

R 261430Z JUN 75

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 6042

INFO USERDA GERMANTOWN

AMEMBASSY NEW DELHI

C O N F I D E N T I A L IAEA VIENNA 5516

EO 11652: GDS

TAGS: IAEA TECH PARM PFOR IN US

SUBJ: SUPPLY OF SMALL QUANTITIES OF NUCLEAR MATERIALS
THROUGH IAEA

REF: IAEA VIENNA 3903

ALSO FOR NRC

SUMMARY: MISSION HAS RECIEVED IAEA LETTER RE ASSURANCES
THAT NO RPT NO US-SUPPLIED NUCLEAR MATERIAL TO BE USED
FOR PNE'S. IN LIGHT INDIAN STATEMENT AT JUNE BOARD,
MISSION PROPOSES NEXT STEPS FOR OBTAINING APPROPRIATE
ASSURANCES FROM GOI. END SUMMARY

1. MISSION HAS RECEIVED FOLLOWING LETTER FROM D.G.
EKLUND (COPIES POUCHED AMMONS/ERDA AND HOYLE/OES/SCI/
AE) IN RESPONSE TO OUR LETTER MENTIONED REFTEL:
QUOTE "I AM WRITING IN REPLY TO YOUR LETTER OF 6 MAY
CONCERNING THE USE OF NUCLEAR MATERIAL SUPPLIED TO THE

IAEA OR THROUGH THE IAEA TO MEMBER STATES PURSUANT TO
THE USA/IAEA AGREEMENT FOR CO-OPERATION AS AMENDED.

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AS YOUR KNOW, ALL SAFEGUARDS AGREEMENTS CONCLUDED

BY THE AGENCY PROSCRIBE THE USE OF THE SAFEGUARDED
ITEMS FOR THE DEVELOPMENT, MANUFACTURE OR TESTING OF
NUCLEAR EXPLOSIVE DEVICES OF ANY KIND.

NEVERTHELESS, THE SECRETARIAT WOULD BE PREPARED,
ON REQUEST, TO SEEK, FROM THE GOVERNMENTAL AUTHORITIES
OF EACH COUNTRY WHICH IS TO RECEIVE NUCLEAR MATERIALS
PURSUANT TO THE USA/IAEA AGREEMENT FOR CO-OPERATION AS
AMENDED OR IN ACCORDANCE WITH OTHER USA/IAEA SUPPLY
AGREEMENTS AND SUPPLEMENTAL CONTRACTS, ASSURANCES THAT
THE MATERIAL IN QUESTION WILL NOT BE USED FOR, OR IN
CONNECTION WITH, THE DEVELOPMENT, MANUFACTURE OR TESTING
OF ANY NUCLEAR EXPLOSIVE DEVICE. UNQUOTE

2. AS DEPT/ERDA AWARE FROM BG REPORTING, INDIAN MADE
STATEMENT ALONG FOLLOWING LINES IN CONNECTION CONSIDERA-
TION SWISS/IAEA SAFEGUARDS AGREEMENT AT RECENT MEETING
OF BOARD OF GOVERNORS:

"INDIAN DEL NOTED SWISS UNDERTAKING WHICH SPECIFICALLY
PRECLUDES USE OF NUCLEAR MATERIAL SUBJECT TO THIS AGREE-
MENT FOR MANUFACTURE OF ANY NUCLEAR EXPLOSIVE DEVICES,
RECALLED DG OBSERVATIONS AT FEB BG, AND, WHILE NOT RPT
NOT OBJECTING TO THIS AGREEMENT BETWEEN AGENCY AND
SWITZERLAND, HE WISHED TO REFER TO SOME GENERAL CONSIDER-
ATIONS ARISING FROM DG'S STATEMENT IN FEB. HE INDICATED
THAT DG'S STATEMENT LAYS DOWN IMPORTANT NEW POLICY
WHICH INDIA CANNOT ACCEPT WITHOUT A DETAILED PRIOR
STUDY OF ALL ITS ASPECTS AND IMPLICATIONS. IN
INDIAN VIEW, THIS AMOUNTS TO AN ATTEMPT TO INTRO-
DUCE INTO AGREEMENTS CONCLUDED UNDER AGENCY'S SAFEGUARDS
SYSTEM PROVISIONS WHICH ARE RELEVANT ESSENTIALLY
ONLY IN CONTEXT OF NPT. DG'S STATEMENT THAT
NUCLEAR MATERIALS HAD BEEN SUPPLIED IN MANY CASES
ONLY ON BASIS THIS CONDITION IS NOT RPT NOT
STRICTLY RELEVANT TO CONSIDERATION OF OVERALL FRAME-
WORK UNDER WHICH AGENCY SAFEGUARDS AGREEMENT SHOULD
BE FORMULATED. OBLIGATIONS OF THIS NATURE WHICH
INDIVIDUAL STATES ARE VOLUNTARILY WILLING TO ACCEPT
CAN, AS BEFORE, BE UNDERTAKEN THROUGH EXCHANGE OF
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LETTERS, BUT IT WOULD BE INAPPROPRIATE TO INCLUDE
THIS PROVISION AS STANDARD FEATURE OF AGREEMENT UNDER
AGENCY'S SAFEGUARDS SYSTEM, WHICH ESSENTIALLY FORCES
AN NPT REQUIREMENT ON STATES NOT RPT NOT PARTIES
TO NPT. AGENCY SHOULD NOT RPT NOT LET "EXTRANEIOUS
CONSIDERATIONS" PREVAIL OVER THE STATUTORY CONSIDERA-
TIONS."

3. IN VIEW DG'S LETTER AND FOREGOING STATEMENT, MISSION BELIEVES WE MUST OBTAIN SOME FORM OF ASSURANCES FOR GOI THAT SMALL QUANTITIES OF SPECIAL NUCLEAR MATERIALS, SEVERAL ORDERS FOR WHICH ARE PENDING, PROVIDED BY U.S. WILL NOT RPT NOT BE USED IN MANNER CONTRARY TO U.S. POLICY. WE SUGGEST THAT THIS BE DONE BY SIMPLY ASKING FOR GOI ASSURANCES THAT SUCH MATERIALS WILL NOT RPT NOT BE USED FOR, OR IN CONNECTION WITH, DEVELOPMENT, MANUFACTURE OR TESTING OF ANY NUCLEAR EXPLOSIVE DEVICE, AND AVOID MENTIONING NON-MILITARY USES UNDERTAKING OR QUESTIONING WHETHER OR NOT GOI AGREES THAT THIS IS ALREADY IMPLICIT IN SUCH UNDERTAKING IN PROJECT/ SUPPLY AGREEMENT UNDER WHICH THESE TYPES MATERIALS ARE PROVIDED . FURTHER, WE SUGGEST THAT THIS BE DONE INDIRECTLY THROUGH IAEA RATHER THAN BILATERALLY, I.E., BY MAKING REQUEST AS ENVISIONED IN PARA 3 OF DG'S LETTER. WE WOULD, OF COURSE, TAKE STEPS TO ASSURE THAT AGENCY'S LETTER TO GOI IS PROPERLY DRAFTED, AS SUGGESTED ABOVE. IN THIS WAY, BELIEVE WE COULD HEAD OFF UNDESIRABLE CONFRONTATION OVER THIS ISSUE AND RESUME SUPPLYING THESE MATERIALS IF U.S. SO DESIRES. (INDIANS HAVE FOLLOWED UP AGAIN ONLY LAST WEEK WITH AGENCY INQUIRING ABOUT STATUS OF THOSE REQUESTS, AND AS CONSEQUENCE, MISSION HAS RECEIVED AGENCY LETTER ON MATTER.)

4. WOULD APPRECIATE DEPT/ERDA VIEWS.LEAHY

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SUPPLIES, FISSIONABLE MATERIALS TRANSFER
Control Number: n/a
Copy: SINGLE
Draft Date: 26 JUN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975IAEAV05516
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750222-0905
From: IAEA VIENNA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750614/aaaaamki.tel
Line Count: 144
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 IAEA VIENNA 3903
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 07 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 APR 2003 by BoyleJA>; APPROVED <09 APR 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SUPPLY OF SMALL QUANTITIES OF NUCLEAR MATERIALS THROUGH IAEA
TAGS: TECH, PARM, PFOR, IN, US, IAEA
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006